Passed

M

Sect. II-27—80,000—4-1-52.

Home (1953) Department.

MS SERIES.

G.O. NO. 2584

Dated 12.8.53

FOR MYSORE STATE

[Despatch Abstract.]

Courts - Criminal - South Kanara district Trial of Agricultural and Industrial Bank Fraud case - Crime No 55/50 of Coondapur Police Station — Appointment of one Special First class Magistrate and Staff Sanctioned

Ref.CR.4901/52(2) S.Kanara Dt.Mangalore is at the foot, Mangalore dated 3.7.53.

From

Sri A.Mahalingam Chettiar, M.A.
Dt.Magistrate of S.Kanara.

The Secretary to Government
Home Department,
Fort St. George
Madras 9.

Sir,

ASSISTANT SECRETARY TO GOVERNMENT
8-JUL
HOME DEPARTMENT
14109

CRIMINAL JUSTICE: Coondapur station Crime No.55/50 under Section 120(b) and section 409 I.P.C Agricultural and Industrial Bank fraud case--trial of the case formation of a special court--sanction--requested.

The Superintendent of police Crime Branch C.I.D. Madras reports that the final charge sheets in Coondapur station Cr.No. 55/50 under section 120(b) and 409 I.P.C against the directors etc, of the Agricultural and Industrial Bank Coondapur have been prepared and they will be filed before the court after obtaining the necessary sanction under section 196(a) Cr.P.C. To my letter Ref.CR.4901/53 dated 1.7.53 I have submitted a report to the Government for according of sanction to prosecute the directors of the Bank under section 120(b), 409 and 477A I.P.C.

2. The investigation in this case was conducted by the Crime Branch C.I.D.Madras. The offence complained of is that the chairman of the Bank in collaboration with Agents, relations and friends about 20 in number falsified the accounts and misappropriated the bank's funds to the tune of about Rs.20/- lakhs between 1948 and 1949. Their depredation extended to Bombay, Thatkal and Mulki in Bombay state, Shimoga in Mysore state, and Somavarpet in Coorg, where the bank has its branches. It is reported that the Government had sanctioned the appointment of a special staff consisting of one Inspector, one Sub Inspector and two head constables for investigation of this case in C.C.Is.No.105 Home dated 1.2.51 and a special Auditor was also appointed by the Government in G.O. Ms. 2.997 Home dated 14.6.52. Copies of three draft charge sheets received from the Superintendent Crime Branch C.I.D.Madras are enclosed for favour of information. The first charge sheet relates of 3 fictitious promotes for Rs.40000/-, Rs.50000/- and Rs.20000/ created by the Managing Director and their satellites on 20.12.49 with the collaboration of the Agent of the Coondapur Branch. The second charge sheet deals with two fictitious bill drafts for Rs.20000/ and Rs.22500/- created by the Coondapur branch. The 3rd one relates to the creation of a fictitious pro-note for Rs.20000/- a fictitious bill draft for Rs.10000/- and a bogus bill draft for Rs.20000 - in Somavarpet (Coorg)

3. It has been further represented to me that this is a case of unusual importance and magnitude where huge sums of money are involved and where about 50 witnesses from different parts of South India have to be examined in respect of each charge sheet. There are voluminous records and documents to be exhibited. It is also apprehended that the trial is likely to be protracted in view of the keen contest by the accused. In view of the complicated nature of the case the number of witnesses to be examined and the large number of exhibits to be filed a day to day trial will be necessary. The Superintendent of Police Crime Branch C.I.D. Madras has recommended the formation of a special I class Magistrate's court at Coondapur for a period of 6 months to try the case.

4. I consulted the special I class magistrates stationed in C.C.Is. Salem vide my letter dated 5.4.53 for the trial of chit fund cases. There will be no difficulty in the disposal of the chit fund cases pending in this file. In addition to the chit fund cases pending in this file, I

e orts th t it will not be possible for him to take up this case in addition to the 8 pending cases involving about 600 witnesses. This case cannot also be entrusted to any of stipendiary I class Mag's rates in the district as they are already having a heavy work.

2. In the circumstances explained above I request that the special staff as detailed below may be sanctioned for a period of 6 months or till the cases are disposed of, whichever is earlier from the date of appointment.

1. Special I class Magistrate in the grade of a Dy.Collector.
1 Lower Division clerk on Rs.40-00 per month.
1 Typist on Rs.15-00 per month.
1 attender on Rs.25-25 per month
2 peons on Rs.18-25 per month.

3. Orders may also be issued sanctioning a typewriter for the office of the Special I class Magistrate.

Yours faithfully,

For Dt.Magistrate-Cum-S[illegible]

Copy to the Registrar, High court of Judicature, Madras.

...CHARGE SHEET IN THE COURT OF THE ...MIC... Sr.No.FF/50 under Sec. 120-B,409, 477-A and 109-I.P.C.

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Accused:1.K.Vamana Shenoy s/o Ganganna Shenoy.
2.K.Vittal Das Shenoy son of No.1.
3.K.Viswanatha Shenoy son of Narayana Shenoy and nephew of No.1
4.K.Manjunath Shenoy brother of No.1.
5.K.Ramachandra Rutt s/o Narasimma Bhat
6.A.Marthappa Naik s/o Annappa Naik
All residing at Kundapur in South Canara.

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The charge against the accused is:- That they in about the years 1948-49,at Kundapur,A1 and A2 being the Directors of the Agricultural and Industrial Bank Ltd Kundapur and also members of the Managing Committee thereof, A3 being the agent of the Kundapur Branch, A1 to A3 thus having dominion over or being entrusted with the funds of the Bank,A4 being the brother of A1 A5,and A6 being the employees of an allied concern of the bank thus A4 to A6 being persons amenable to A1 and A2,acting in collusion with the another ,agreed to do illegal acts, to wit: to commit the offences of criminal breach of trust of monies belonging to the Bank and falsification of the account books thereof, by bringing into existence fictitious loans in the names of A4 to A6 for the said purpose, and making false entries in the Cash books and other connected records of the Bank, knowing or having reason to believe that they are not genuine transactions, and that the said acts of criminal breach of trust and falsifications of accounts were done in pursuance of the agreement and conspiracy against them and that they thereby committed an offence punishable under Sec.120-B read with Sec.409 and 477 A. I.P.C as per the instances particularised below, triable by the Sub Divisional I class Magistrate Kundapur.

I(a) that A1.A2 and A3,A5 and A6 on or about 20.12.49 at Kundapur,acting in concert with the another ,A1 and A2 being the Directors and members of the Managing committee of the A and I Bank Ltd, and A3 being the agent of the Kundapur Branch and in such capacity of them having dominion over or being entrusted with the funds of the bank,committed criminal breach of trust with respect to a sum of Rs.40000/ belonging to the Bank, by bringing into existence a fictitious loan covered by a promote dated 20.12.49 executed by A5 and A6 knowing or having reason to believe that the same did not represent a genuine transaction while A5 and A6 intentionally aided and facilitated the commission of the offence of criminal breach of trust by A1 to A3 by being parties thereto and thereby committed an offence punishable under Sec.409 read with Sec.34 and 109 I.P.C triable by the Sub Divisional I class Magistrate Kundapur

(b) that A1,A2 and A3,A5 and A6 at about the same time and place as mentioned in charge No.1(a) supra, acting in concert with the another,wilfully and with the interest to defraud,falsified the cash book and other connected account books belonging to the Bank, by making false entries,knowing or having reason to believe that they are false and in order to cover up the criminal breach of trust referred to in charge No.1(a) supra the A3 committed the offence of the falsification of accounts abetted by A1 and A2 and intentionally aided and facilitated by A5 and A6 and that they thereby committed an offence punishable under Sec.477A I.P.C and 109 I.P.C triable by the Sub Divisional I class Magistrate, Kundapur.

II(a) That A1,A2,A3 A4 and A6 on or about 20.12.49 at Kundapur, acting in concert with one another ,A1 and A2 being the Directors and members of the Managing committee of the A and I Bank Ltd and A3 being the agent of the Kundapur Branch and in such capacity of them having dominion over or being entrusted with the funds of the Bank,committed criminal breach of trust with respect to a sum of Rs.50000 belonging to the Bank by bringing into existence a fictitious loan covered by a promote dated 20.12.49 executed by A4 and A6 knowing or reason to believe that the same did not represent a genuine transaction, while A4 and A6 intentionally aided and facilitated the commission of the offence of criminal breach of trust by A1 to A3 by being parties thereto and thereby committed an offence punishable under sec.409 read with 34 and 109 I.P.C triable by the Sub Divisional I class Magistrate Kundapur.

B CHARGE SHEET IN KUNDAPUR STATION CRIME NO. 55/1950 - under Section 120 (b) 409, 477 (A) and 109 I.P.C.

ACCUSED: 1. K.Vamana Shenoy S/o Ranganna Shenoy.
2. K.Vittal Das Shenoy S/o No.1.
3. K.Viswanatha Shenoy S/o Narayana Shenoy and Nephew of No.1.
4. K.Manjunath Shenoy Br/o No.1.
5. C.Vasudeva Naik S/o Vamana Naik A1 to A4 reside in Kundapur Cusba and A5 in Gangolly of Kundapur Taluk.

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The charge against the accused is;

That they in about the years 1948-49 at Kundapur A1 and A2 being the Directors of the Agricultural and Industrial Bank Ltd., Kundapur and also members of the Managing committee theref A3 being the Agent of the Kundapur Branch, A1 to A3 thus having dominion over or being entrusted with the funds of the Bank A4 being the brother of A1 and A5 being the father-in-law of A2, A4 and A5 thus being amenable to A1 and A2 acting in collusion with one another, agreed to do illegal acts to wit: to commit the offences of criminal breach of trust of monies belonging to the Bank and falsification of the account books thereof by bringing into existence fictitious loan in the names of A4 and A5 and making false entries in the Cash Books and other connected records of the Bank, knowing or having reason to believe that they are not genuine transactions and that the said acts of criminal breach of trust and falsification of accounts were done in pursuance of the agreement and conspiracy amongst them and that they thereby committed an offence punishable under Section 120 (b) read with Sec. 409 and (477 (A) I.P.C. as per the instances particularised below:-

I (a) That A1 to A5 on or about 22.10.49 at Kundapur acting in concert with one another A1 and A2 being the Directors and Members of the Managing committee of the A and I Bank, Kundapur A3 being the agent of the Kundapur Branch and in such capacity of theirs having dominion over or being entrusted with the funds of the Bank, committeed criminal breach of trust with respect to a sum of Rs.22,000/- belonging to the Bank by bringing into existence two fictitiuos loans covered by two bill/drafts dated 26.8.49 with A4 as the drawer and A5 as the acceptor, knowing or having reason to believe that the loans in question covered by the aforesaid bill-drafts are not genuine transaction while A4 and A5 intentionally aided and facilitated the commission of the offence of criminal breach of trust by A1 to A3 by being parties thereto and that they thereby committed an offence punishable under Sec. 409 read with Sec. 34 and 109 I.P.C.

(b) That A1 to A5 at about the same time and place as mentioned in charge No.I (A) supra acting in concert with one another wilfully and with intent to defraud falsified the cash Book and other connected account books belonging to the Bank, by making fictitious entries knowing or having reason to believe that they are fictitious and in order to cover up the criminal breach of trust referred to in Charge No.I (a) supra that A3 abetted by A1 and A2 and intentionally aided and facilitated by A4 and A5 and that they thereby committed an offence punishable under Sec. 477 (a) and 109 I.P.C.

II.(a) That A1 to A5 on or about 22.10.49 at Kundapur, acting in concert with one another A1 and A2 being the Director and Members of the Managing committee of the A & I Bank Ltd. Kundapur A3 being the agent of the Kundapur branch and in such capacity of theirs having dominion over or being entrusted with the funds of the Bank committeed criminal breach of trust in respect of a sum of Rs.22,500/- belonging to the Bank by bringing into existence two fictitious loans covered by two bill rafts dated 25.4.49, with A5 as drawer and A4 as acceptor knowing or having reason to believe that the loan in question covered by the aforesaid bill raft are not genuine transactions while A4, and A5 intentionally aided and facilitated the commission of the offence of the criminal breach of turst by

16

trust by A1 to A3 by being parties thereto andthat they thereby committed an offence punishable under sec. 409 read with 34 and 109 I.P.C.

II. (b) That A1 to A5 at about the same time and place as mentioned in Charge No.II (a) supra, acting in concert with one another wilfully and with intent to defraud falsified the cash Book and otherconnected account books of the Bank, by making false entries knowing or having reason to believe that they are false entries knowing or having reason to believe that they are false and in order to cover up the criminal breach of trust referred to in charge No.II (a) supra that A3 committed the offence of falsification of the accounts aforesaid abetted by A1 and A2 and intentionally aided and facilitated by A4 and A5 and that they thereby committed an offence punishable under Sec. 477 (A) and 109 I.P.C.

All the offences aforesaid are triable by the Sub Divisional First Class Magistrate Kundapur.

(True copy)

(b) That A1. A2, A3, A4 and A6 at about the same time and place as mentioned in Charge No.11 (A) supra in concert with one another wilfully and with intent to defraud, falsified the cash book and other connected account books belonging to the Bank, by making false entries knowing or havin reason to believe that they are false and in order to cover up the criminal breach of trust referred to in Charge No.II (a)Supra that A3. falsified the accounts as aforesaid abetted by A1 and A2 and intentionally aided and facilitated by A4 and A6 and that they thereby committed an offence pubishable under Sec. 477-A and 109 I.P.C.triable by the Sub Divisional Magistrate (I Class) Mxg Kundapur.

III a. That A1 to A5 on or about 20.12.49 at Kundapur, A1 and A2. being the Directors and Members of the Managing Committee of the A and I Bank Ltd., and A3 being the Agent of the Kundapur Branch and in such capacity of theirs having dominion over or being entrusted with the funds of the Bank committeed criminal breach of trust with respect to a sum of Rs.20,000/- belonging to the Bank by bring-igg xx into existence a fictitious loan covered by a pronote dated 20.12.49 executed by A4 and A5 knowing or having reason to believe that the same did not represent a genuine transaction while A4 and A5 intentionally aided and facilitated the commission of the offence of criminal breach of trust by A1 to A3 by being parties thereto, and that they thereby committed an offence punishable under Sec. 409 read with Sec.34 and 109 I.P.C. triable by the S.D.M.Class Magistrate, Kundapur.

III (b) That A1, to A5 at about the same time and place as mentioned in charge No.III(a) supra, acting in concert with one another, wilfully and with the intent to defraud, falsified the cash books, and other connected accound books belonging to the Bank, by making false entries, knowing or having reason to believe that they are false and in order to cover up the criminal breach of trust referred to in charge No.III(a) supra, that A-3 committed the offence of the falsification of accounts abetted by A-1 and A-2 and intentionally aided and facilitated by A-4 and A-5, and that they thereby committed an offence punishable under section 477-A I.P.C. and 109 I.P.C. triable by the Sub Divisional Mx First Class Magistrate, Coondapur.

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Charge- sheet in Kundapur station Crime No 55/50 under secs. 120-B 409, 4477(A) and 109 I.P.C

Accused 1. K.Vammana Sheney, s/o Ranganna Sheney.
2. K.Vittal Das Sheney, d/o No1.
3. K. Anantha Kamath, s/o Subbanna Kamath.

A-1 and A-2 reside at Kundapur and A-3 at Alibagh in Bombay state.

The charge against the accused is: .

That, they in about the years 1948-49, at Kundapur, A-1 and A-2 being the Directors and Members of the Managing Committee of the A and I Bank Ltd. Kundapur, and in such capacity of their having dominion over or being entrusted with the funds of the Bank, acting in conspiracy and collusion with one another, committed criminal breach of trust with respect to monies belonging to the Bank by making making it appear that loans were advanced to various parties at Samvarpet Branch through its agent, A-3 as per the particulars given below, knowing or having reason to believe that the said loans and parties are false or fictitious with a view to balance the accounts of the bank books, and falsified the bank books maintained at the Head Office, Kundapur, and that A -3 being the Agent at Somavarpet intentionally aided and facilitated the commissione of the offences aforesaid by making false and fictitious entries in the bookds of the Bank at Somavarpet, as per the particulars given hereunder, thus acting in conspiracy with A-1 and A2 and that they thereby committed an offence under section 120-B read with Section 409 and 477-A I.P.C

I(a) that A1 to A.3, on or about 21-12-49 at Kundapur, acting in concert with one another, A-1 and A-2 being the Directors and Members of the Managing committee of the A and I Bank Ltd. and in such capacity having dominion over or being entrusted with the funds of the Bank, committed criminal breach of trust with respect to a sum of Rs30,000/- by bringing into existence three fictitious laons as per bill drafts dated 21-12-49 drawn and accepted by firtitious persons, knowing or having reason to believe that the loans and the actions, while A-3 being the agent of the Somavarpet Branch intentionally aided and facilitated the commission of the offence of criminal breach of trustby A-1 and A-2 by being party thereto,and that thereby they committed an offence punishable under section 409 read with sec.34 and 109 I.P.C

I(b) That A-1 to A-3 at about the same time and place as mentioned in Charge NoI(a) supra, acting in concert with one another, wilfully and with intent to defraud, falsified the Cash Book and other connected account books belonging to the Bank, by making false entries, knowing or having reason to bekieve that they are false and in order to cover up the criminal breach of trust referred to in Charge-I(a) that A1 and A-2 at Kundapoor abetted the commission of the said offence in consequence of which the same was committed by A-3 at Somarvarpet and that they thereby committed an offence punishable under section 477(A) and 109 I.P.C.

II(a) That A-1 to A-3 on or about 24-12-49 at Kundapoor, acting, in concert with one another, A-1 and A-2 being the Directors and Members of the Managing Committee and I Bank Ltd. Kundapur, and in such capacity having dominion over or being entrusted with the funds of the bank, committed criminal breach of trust with respect to a sum of Rs10,000/- belonging to the Bank by bringing into existance a fictitious laon as per bill draft dated 24-12-49 drawn and accepted by fictitious persons, knowing or having reason to believe that the loan and the corresponding bill draft in question did not represent a genuine transaction, while A-3 being the agent of the Somavarpet branch intentionally aided and facilitated the commission of the offence of the criminal breach of trust by A-1 and A2 by being party thereto and that they thereby committed an offence punishable under section 409 read with section 34 and 109 I.P.C.

(b) That A-1 to A-3 at about the same time and place mentioned in charge NoIII (a) supra, in concert with one another, wilfully and with the intent to defraud, falsified the cash book and other connected account books belonging to the Bank by making false entries, knowing or having reason to believe that they are false and in order to cover up the criminal breach of trust referred to in charge No II(a) that A-1 and A-2 at Kundapur abetted the commission of the said offence in consequence of which the same was committed by A.3 at Saomavarpet and that they thereby committed and offence punishable under sec.477(a) and 109 I.P.C.

III(a) That A.1 to A-3 on or about 29-12-49 at Kundapur, acting in concert with one another, A.1 and A-2 being the directors and Members of the managing committee of the A and I bank Ltd. Kundapur and in such capacity having dominion over or being entrusted with the funds of the Bank committed criminal breach of trust with respect to sum of Rs20,500/- belonging to the Bank by bringing into existance two fictitious loans as per two bill drafts dated 29-12-49 drawn and accepted by fictitious persons, knowing or having reasons to believe that the loans covered by the bill drafts in question are not genuine transactions, while A-3 being Agent of the Somavarpet branch intentionally aided and facilitated the commission of the offence of criminal breach of trust by A-1 and A-2 by being party thereto and that they thereby committed offence punshable under section 409 read 34 and 109 I.P.C.

III(b) That A.1 to A-3 at about the same time and place as mentioned in charge No III(a) supra, acting in concert with one another wilfully and with intent to defraud, falsified the cash book and other connected account books belonging to the Bamk, by making false entries knowing or having reason to believe that they are false and in order to cover up the criminal breach of trust referred to charge No III (a) that A-1 and A.2 abetted the commission of the said offence at Kundapur in consequence of which the same offence punishable under section 477(A) and 109 I.P.C. was committed by A3 at Somavarpet and that they thereby committed

All the offiences are triable by the Sub-Divisional I Class Magistrate, Kundapur.

Very urgent

25/4/7 Home Deptt

II

Memo No 14109 Cls II/53 Dated 10-7-53

Courts - Criminal : South Kanara district - Agricultural and Industrial Bank Fraud Case. Crime No. 57/50 of Police Station Coonadapur - Appointment of Special First class Magistrate and staff - Proposal

Ref:- From the D.M. South Kanara. Ref. C. 3. 4900/53(2) Dated 3.7.53.

A copy of the letter cited from the Dist. South Kanara and of its enclosures on the subject mentioned above is forwarded to the Bd of Rev

cp. 1 & 9 of (F)

12

Madras: The Board is requested to offer its remarks, not later than 25.7.53, on the proposals of the Dist. Collr. Salem Kanara through the High Court, Madras.

R
10.7.53

10.7.53

10/7/53

To

The Bd of Rev (IT)
Madras
(with copy of ltr from HC)

The Registrar, High Court
Madras
(with copy of ltr I-10-53)

(R.A 26.7.53)

13

OFFICE OF THE BOARD OF REVENUE,
Chepauk, MADRAS. Dated 25-7-53.

Ref.M. 4373/53-1.

From: The Secretary,
Board of Revenue,
Chepauk, Madras.

To: The Sub-Assistant Registrar,
Administrative Department,
High Court, Madras.

ASSISTANT SECRETARY TO GOVERNMENT
28 JUL 1953
HOME DEPARTMENT

Sub: COURTS--Criminal--(South Kanara)--Coondapur station Crime No.55/50 under Section 120(b) and 409 I.P.C. Agricultural and Industrial Bank Fraud Case--Trial & ~~of~~ Formation of a Special First Class Magistrate and staff--Proposals.

Ref: Your letter Roc.No.4339/53-E2 dated 10-7-53.

I am to say that the Board has examined the proposals of the District Magistrate, South Kanara. According to the District Magistrate of South Kanara, there are three charge sheets, and about 50 witnesses from different parts of South India have to be examined in respect of each charge sheet. A large number of exhibits may perhaps be filed. Even then, a First Class Magistrate posting the cases from day to day and engaged solely in this work, may not require more than three months to finish the work. The Board therefore recommends that the Special staff asked for by the District Magistrate may be sanctioned for a period of three months in the first instance.

Yours faithfully,

for Secretary.

Copy to the Secretary to Government, Home Department, Madras.
With reference to their Memo.No.141109/Courts II/53-1,Home, dated 10-7-53.

nedr.25-7.

Home Dept
Submitted for perusal. The remarks of the High Court may be awaited till 10.8.53
29.7.53 30.7.53 30.7.53

15.

R.O.C. No.4339/53-E2. Madras, Dated 5th August 1953.

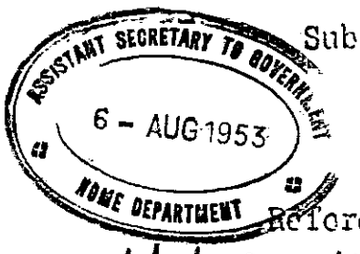
From

Sri R.Jayaram, M.A., B.L.,
Registrar, High Court, Madras.

To

The Secretary to Government,
Home Department, Madras.

Sir,



Subject: Courts-Criminal-South Kanara District-Agricultural and Industrial Bank Fraud case--Crime No.55/50 of Coondapur Police station-Appointment of a Specail First class Magistrate and staff-Proposal Recommended.

Reference: (1) Letter Ref.C3.4900/53(2) dated 3-7-53 from the District Magistrate, South Kanara, and (2) Letter Ref.M.4373/53-1 dated 25-7-1953 from the Board of Revenue, Madras (copies sent to the Government direct)

I am to state that the Honourable the Judges support the recommendation of the Board of Revenue for the appointment of a special First class Magistrate in the South Kanara District and the staff asked for by the District Magistrate for a period of three months in the first instance in connection with the trial of the case referred to above.

2. The extra cost involved will be met from the existing appropriation under '27.h.Criminal Courts'

161071

J. Jayaram
REGISTRAR.

Copy to:

The District Magistrate,
South Kanara at Mangalore.

PNP.

Spl First Class Magistrate 513·3+85 598·3
1 D. Clerk 67·5 + 24 91·5
Typist 67·5+10+24 101·5
Attender 30·6+19 49·6
2 peons (22·3+19)×2 82·6
923·5
3
2770·5

Very urgent

Draft II

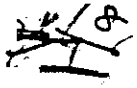
Memo No. 141109 dis II/53-2 Dated 7.8.53

Typewriter - supply to Special First class Magistrate's Court for trial of Coondapur Agricultural & Industrial Bank Fraud case - Proposal.....

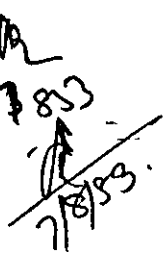
Ref:- From the Dist. South Kanara Ref. C. 3. 4900/53(2) Dated 3.7.53.

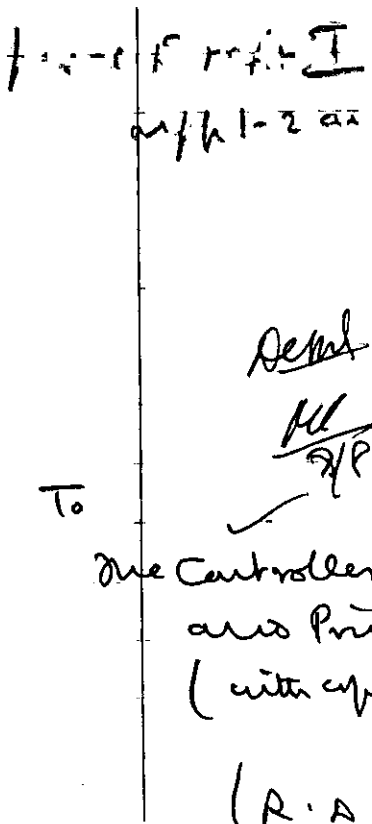
~~From the High Court Roc. No 4331/53 E-2 Dated 5-8-53~~

A copy of the letter cited is forwarded to the Controller of Stationery and Printing, Madras and he is informed that it is proposed to sanction the appointment of a Special First class



maybe with a staff of one lower division clerk, one typist, one attender of two years for a period of three months in the first instance. The Controller is requested to offer his remarks not later than 20-8-53, on the request of the Dy Sarth in regarding the case for supply of a typewriter for the 8th First class maybe's court.





(cno. 14109 dis II/53)

Home Dept

19

G.O. Ms. No. 2584 Dated 12/8/53

Courts – Criminal – South Kanara district – Trial of Agricultural & Industrial Bank Fraud case – crime no 55/50 of Coondapur Police Station — Appointment of one Special First class Magistrate and staff – Sanctioned.

Read:-

(1). From the D.M. South Kanara Ref. C-3-4900/53(2) Dated 3.7.53

(2) From the Bd of Rev. Ref. M. 4323/53-1 Dated 25.7.53

(3) From the High court Roc no 4339/53. E.2 Dated 5.8.53.

ORDER:-

One Govt sanction the appointment for a period of three months from the Date of appointment or till the need ceases whichever is earlier, of the following temporary staff in the South Kanara district in connection with the trial of the Agricultural & Industrial Bank Fraud case (crime no 55/50 of Coondapur Police Station):—

(1) One Special First class Magistrate (in the grade of a Deputy Collector)

(2) One lower division clerk

(3) One typist

(4) One attender; and

(5) Two peons.

2. The expenditure should

2-
20

be debited to the relevant sub-heads of appropriation under "27-Administration of Justice & criminal Courts."

3. The Board of Revenue, is requested to submit proposals to the Govt in the Revenue Deptt for the posting of a Deputy Collector as Special First class Magistrate sanctioned in para 1 above

4. Order regarding the supply of a typewriter to the Special First class Magte's Court will issue separately

Cr pl 1-1(M)

Yrs -

7.8.53

7/8/53

968
7.8.53

7 Aug 53

12/8/53

To

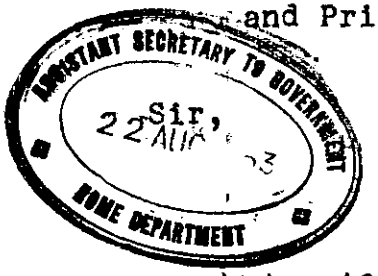
The Registrar, High Court, Madras
The Bd of Rev(IR) Madras
The D. M. South Kanara
The A.G. Madras through the Finance Department
Duplicate copy to the A.G. Madras by name
copy to the Revenue Department
copy to Home (Courts III) Deptt
Home (Police III) Deptt

2.S.CS

21

From Sri. H. J. STOOKS I.A.S.,
Controller of Stationery
and Printing, MADRAS 1.

To The Secretary to Government,
Home Department,
MADRAS.



No. L.DIS.22932/53 Dated, 19th August 1953.

Sir,

TYPEWRITER - Supply to Special First Class Magistrate Court for Trial of Coondapur Agriculture and Industrial Bank Fraud Case - Remarks - offered -

@OVT. Memorandum No.141109/Courts.11/53-2, Home dated 17th August 1953

In the circumstances stated by the District Magistrate Mangalore in his letter No.C.3.4900/53-2 dated 3-7-1953, sanction may be accorded for the supply of a second hand Foolscap typewriter to the Special First Class Magistrate's court for trial of Coondapur Agricultural and Industrial Bank Fraud Case for the period of 3 months.

2. The District Magistrate, Mangalore, may be requested to entrust the typewriter in charge of qualified typist and to return the machine when it is no longer required.

169385

cds.20.8.53.

Controller

ABSTRACT

TYPEWRITER - South Kanara district - Supply to Court of Special First Class Magistrate for trial of Coondapur Agricultural and Industrial Bank Fraud Case - Sanctioned.

HOME DEPARTMENT.

G.O.Rt. No.3579. Dated 16th September 1953, Read the following:-

1. G.O.Ms.No. 2584, Home, dated 12-8-1953.
2. From the Controller of Stationery and Printing, L.Dis. 22852/53, dated 19-8-1953.

-:-

ORDER:

The Government sanction the supply of a Second hand foolscap size typewriter for use in the Court of the Special First Class Magistrate sanctioned in G.O.Ms.No. 2584, Home, dated 12-8-1953 for the trial of the Coondapur Agricultural and Industrial Bank Fraud Case.

2. The machine should be placed in charge of a qualified person and should be returned to the Controller of Stationery and Printing Madras if at any time such a person ceases to be available or if for anyother reason the machine is not required.

(BY ORDER OF THE GOVERNOR OF MADRAS).

J. Subbuswamy,
DEPUTY SECRETARY TO GOVERNMENT.

To

The Registrar, High Court, Madras.
The District Magistrate, South Kanara.
The Controller of Stationery and Printing, Madras THROUGH the Education Department.

True Copy/ Forwarded / By Order.

V.K. 24/9.

SUPERINTENDENT.

Ref.C3.4900/53.

Office of the Collector of
South Kanara, Mangalore,
Dated 18th November 1953.

From

Sri A.Mahalingam Chettiar, I.A.S.,
District Magistrate, South Kanara,
Mangalore.

To

The Secretary to Government,
Home Department, Fort St.George,
Madras.9.

Sir,

Subject: Magistrates - Special Magistrate for the trial of the Agricultural and Industrial Bank Fraud cases, Coondapoor - appointment -

....

Reference: Government (Revenue Department) Memo.No. 85830/B/53-2 dated 7-11-1953.

.....

In the Government Memorandum cited above, Sri T.Srinivasan, Deputy Collector, has been posted as the Special Ist Class Magistrate, for the trial of the Agricultural and Industrial Bank Fruad cases Mangalore. The Special Court was sanctioned in G.O. Ms.No.2584 (Home Department) dated 12-8-1953. As almost all the withesses and the accused persons are from Coondapoor I had already proposed in my report to Government Ref.C3.4900/53, dated 3-7-1953 that the Head Quarters of the Special Magistrate should be at Coondapoor. So I have asked Sri T.Srinivasan, who arrived at Mangalore on 17-11-1953 to proceed to Coondapoor to form the special Court. I request that my action may be approved and orders issued accordingly.

2. I further request that Sri T.Srinivasan, Deputy Collector and Ist Class Magistrate may be empowered under Section 357 of Code of Criminal Proceedure, to take down the evidence of witnesses with his own hand in the English language. As the special Magistrate is expected to start work straightaway, I request that very early orders may be passed and communicated.

Yours faithfully,

18/11/53

District Magistrate. S.K.

Copy to the Secretary to Government, Revenue Department, Madras.9.
Copy to the Secretary to the Board of Revenue, Land Revenue, Madras.5.

Home Dept. (Cls II)

2 10290 | 53

Memo No 210290 Cls II/53-1 Dated 25.11.53

Magistrate Special Magistrate for the trial of the Agricultural and Industrial Bank Fraud Cases, Coondapur D.M's action - approved

Ref:- From the District Magistrate South Kanara, Ref. C.3 4900/53 dt. 18.11.1953

The action of the District Magistrate in having directed the Special First Class Magistrate for the trial of the Agricultural and Industrial Bank Fraud Cases, Coondapur to hold the Court at Coondapur is approved.

25/11/53

27.11.53

27/11/53

To

The District Magistrate, South Kanara, Mangalore.

(Copy for S.F.)

Note:- With reference to para in D.M's letter on p.1 c/f. evidence powers have been granted in G.O. No Rt. 4026 Home dated 25/11/53.

(PTO)

~~2~~ 28 P 1;

With reference to para 4 in DM's letter, draft memo ~~submitted~~ overleaf is for approval. After ~~this~~ is one may be ~~attached~~ with the ltr. at (P)

~~DM~~
25/11/53.

27/11/53

27/11/53

(Crs. 141109 dis II/53,

Home Dept

Courts – Criminal – South Kanara district ~~Preliminary enquiry~~ Trial of Agricultural & Industrial Bank Fraud case Crime no. 55/50 of Coondapur Police Station – Appointment of a Special First class Magte and staff and supply of one typewriter – Proposal

p 1–2 cf From the D. M. South Kanara Ref. C.3. 4900/53(2) Dated 3.7.53

p 1–2 cf Issued as Memo no 141109 dis II/53-4 Home Dated 10.7.53.

p 13 cf From the Bd of Rev. Ref. M. 4373/53-4 Dated 25.7.53.

p 15 cf From the High court .. R.O.C. No 4339/53. E. 2 Dated 5.8.53.

The D. M. South Kanara has

Ntsec p 2 cf submitted proposals for the appointment of one Special First class Magistrate in the grade of Dy Collr with a staff of one lower division clerk, one typist, one attender and two peons for a period of six months from the date of appointment in connection with the ~~preliminary enquiry~~ trial of the Agricultural & Industrial Bank Fraud Case Crime no. 55/50 of Coondapur Police Station and for the supply of a typewriter to the Special First class Magte's court

and

2. ~~The Inspector~~ reported that three charge sheets in the case of the Coondapur P.S. Crime No 55/50 under Section 120(b) and 409 I.P.C against the Chairman of the Agricultural & Industrial Bank, Coondapur and his collaborators with Agents, relations and friends about twenty in number falsified the accounts and misappropriated the bank's funds to the tune of Rs. 2 lakhs

para 1 & 2 cp 1 cf

para 3 p 1 cf The Dy states that this is a case of unusual importance and magnitude where huge sums of money are involved and where about 50 witnesses from different parts of

South India have to be examined in respect of each charge sheet. It is also reported that there are voluminous records and documents to be exhibited and that the trial is likely to be protracted in view of the expected keen contest by the accused. It is stated that in view of the complicated nature of the case and the number of witnesses to be examined and a large number of exhibits to be filed a day-to-day trial will be necessary. The Dm states that the Supdt of Police, Crime Branch, C.I.D. has recommended the formation of a special magistrate's court at Coondapur for a period of six months to try the case. The Dm has also examined the question whether the Special First class Magte appointed for the trial of chit fund cases would be in a position to take up the present case also on his file. ~~In addition to the chit fund cases the Dm states that~~ The Special First class Magte, referred to above, who was consulted in the matter by the D.M. has stated that it would not be possible for him to take up the present case in addition to the eight cases pending on his file involving the examination of about 600 witnesses. The Dm has also reported that the case cannot also be entrusted to any of the stipendiary First class magtes in the district as they are already ~~overburdened~~ having heavy work. In the circumstances he ~~recommends~~ requests sanction for the employment of one Special First class Magte in the grade of a Deputy Collr with a staff of one Taluk division clerk, one typist one attender and two peons for a period of six months or till the cases are disposed of

para 3 p 1 of

para 4 p 1-2 of

" p 2

in 4 p 4 of

p 2 para 5 p 2 of

South India have to be examined in respect of each charge sheet. It is also reported that there are voluminous records and documents to be exhibited and that the trial is likely to be protracted in view of the expected keen contest by the accused. It is stated that in view of the complicated nature of the case and the number of witnesses to be examined and a large number of exhibits to be filed a day-to-day trial will be necessary. The Dm states that the Supdt of Police, Crime Branch, C.I.D. has recommended the formation of a special magistrate's court at Coondapur for a period of six months to try the case. The Dm has also examined the question whether the Special First class Magte appointed for the trial of chit fund cases would be in a position to take up the present case also on his file. ~~In addition to the chit fund cases the Dm states that~~ The Special First class Magte referred to above, who was consulted in the matter by the D.M. has stated that it would not be possible for him to take up the present case in addition to the eight cases pending on his file involving the examination of about 600 witnesses. The Dm has also reported that the case cannot also be entrusted to any of the stipendiary First class magtes in the district as they are already overburdened having heavy work. In the circumstances he requests sanction for the employment of one Special First class Magte in the grade of a Deputy Collr with a staff of one Junior Assistant clerk, one typist one attender and two peons for a period of six months or till the cases are disposed of

para 3 p 1 of

para 4 pp 1 - 2 of

" 2nd

para 4 p 2 of,

para 5 p 2 of,

whichever is earlier. The D.M. has also requested that the supply of a typewriter for the office of the Special First class Magte, may be sanctioned

3. The Board of Revenue considers that a First class Magte posted the cases from day to day and engaged solely in the work may not require more than three months to finish the work and accordingly recommends the appointment of the Special First class magte and staff proposed by the Dm South Kanara for a period of three months in the first instance. The High court supports the recommendation of the Bd of Rev. For orders whether the Bd's recommendation supported by the High court may be accepted. If so, the draft order below is for approval

4. Regarding the proposal of the Dm. for the supply of a typewriter to the Special First class Magte's court, the remarks of the controller of Stationery & Printing may be incited. Draft memo is submitted for approval.

5. After issue of the memo, the file may be sent to the Revenue and Finance Depts for acceptance of the draft orders

(a.i.) Revenue / Fin

Memo No 141109 dt II/53-3

7.8.53

4/

Rev Dept

To AS

The draft order below may be accepted in this Dept and the file passed on to Fin.

10/8/53

10.8.53

16/10

Fin U/S

S/Fin

Rev no 62206/53-1

10-8-53

Finance (E-I) Dept

The notes of the Home dept on pp 1-3 above may be perused. In the circumstances explained therein, Finance may agree to the proposal to sanction the additional staff of one Special Furst Class Magistrate one L.D. Clerk one Typist, one attender and two peons. This involves an extra cost of about Rs. 2,800 for 3 months

The draft order below may be accepted; and the case returned to Home dtd

11/8/53

10.8.53

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
64847
11 AUG 1953
EP
FINANCE DEPARTMENT

p 15 cf.

Fin no 64847/E1/53-7
DS/Home 11/8/53.

11/8/53

Home

Home dept

The draft order below may now issue. After issue, the reply of the controller of Stg and Printg to the memo on pp 17-18 cf may be awaited till 21.8.53.

Issue 11/8

12/8/53

ASSISTANT SECRETARY TO GOVERNMENT

17.8.53

11/8/53

(Issued as G.O. Ms no 2589 Home Dated 12.8.53)

pp 19-20 cf

P.T.O.

(From the Controller of Stationery and Printing
L.Dis. 22932/53 Dated 19.8.53)

Please see the Memo to the Controller of Stationery and Printing on pp.17-18 C.F. and his reply on p.21 C.F. The Controller has recommended the supply of a Second hand foolscap size typewriter to the court of the Special First class Magistrate sanctioned vide G.O. Ms No 2584 Home Dated 12.8.53. for the trial of Coondapur Agricultural & Industrial Bank Fraud case for a period of three months the controller's recommendation may be accepted

2 A draft order is submitted for approval. Edn & Fin may see for acceptance

3/9/53

Edn/Fin

2.9.53

2.9.53

Home 11411/09 ct-11/36

Edn

3/9/53

The draft order below may be accepted and the file passed on to Fin U.O

7/9/53

Fin (Exp B)

SECOND ASSISTANT SECRETARY
4 SEP 1953
EDUCATION DEPARTMENT

ASSISTANT SECRETARY TO GOVERNMENT
14
HOME DEPARTMENT

Edn U.O. 4425 dt 8.9.53.

180412

(Previous Fin note on p4 above)
The draft order below may be accepted.

9.9.53

9.9.53

11/9/53

Home

P.T.O

NATIONAL DEPUTY SECRETARY TO GOVERNMENT
8 SEP 1953
FINANCE DEPARTMENT

U.O. 7127 FIN B4/53
Dt 9.9.53

6

Home Dept

The draft order below may issue.

14.9.53

14.9.53

908
15/9/53

DS

Phase varied

16 Sep 53

[Issued as G.O.R. No 3379, Home, d 16.9.53]